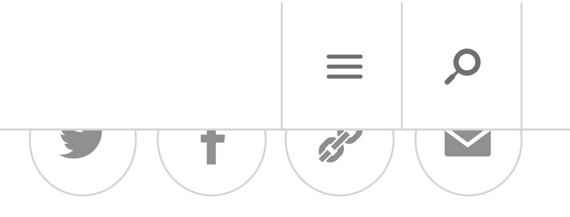
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SLAPP CASES: DAVID DAVIS LAMBASTS LAW FIRM FOR TRYING TO 'REPRESS FREE SPEECH'

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Davis's comments, which were referring to the high-profile firm Boies Schiller Flexner, were made in a parliamentary debate based on a defamation case against the Bureau of Investigative Journalism, the Telegraph and openDemocracy.

The case relates to reporting about UK assets held by Jusan Technologies Limited – itself connected to the Nazarbayev Fund, named for and established by the former dictator of Kazakhstan. It was said by Davis to be a Slapp (strategic lawsuit against public participation), a type of legal action by which the rich and powerful aim to silence journalists and activists by hitting them with hugely expensive lawsuits.

"With every letter and every stage of legal action, organisations like the Bureau of Investigative Journalism must divert resources and attention away from public interest reporting and towards defending themselves against bogus or trivial claims," said Davis, who served as Brexit secretary under Theresa May.

"The Bureau of Investigative Journalism has a small team, with just a few dozen staff. To defend itself, it has been forced to divert much of its reporting team and senior management, as well as significant financial resources, to dealing with these legal threats.

"This kind of 'lawfare' is a potentially existential threat to investigative journalism, and that is precisely what the claimants in these cases intend."

During the debate, Labour MP and former shadow media minister Chris Matheson revealed he had learned of the case and had filed a parliamentary question about it – only to hear from Boies Schiller Flexner, the law firm



The Enablers

Matheson said to Davis: “I tabled a written question in this place about their effects on media freedom. I have to tell the House and the Rt Hon Gentleman that I was then contacted by lawyers for the company asking me to withdraw that question. What is his response to their asking me to withdraw a perfectly innocent parliamentary question?”

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Davis’ response was stark. “First, the lawyers clearly do not understand parliamentary privilege,” he told assembled MPs. “Secondly, what they are doing – will come back to this in a second – is trying to repress free speech and transparency in this country.”

Gareth Johnson, a junior minister in the justice department, responded on behalf of the government, reaffirming its commitment to bring forward measures to restrict Slapp actions and protect media freedom.

“Slapps are wrong. They are a form of bullying. They need to be stopped, and stopped through legislation,” he said. “First, let me emphasise that investigative journalism is of central importance to a functioning democracy.

“We rely on journalists to hold powerful people and organisations to account for our collective good. ‘Lawfare’ that targets our public watchdogs through aggressive, intimidatory tactics must be stamped out.”

Johnson was warned by MPs that such reforms are required as a matter of urgency.

Header image: The Houses of Parliament in London. Credit: Alamy

About The Author

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